

State of Arizona
Senate
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 118

SENATE BILL 1167

AN ACT

AMENDING TITLE 39, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 39-126; AMENDING SECTION 49-205, ARIZONA REVISED STATUTES; RELATING TO WATER QUALITY CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 39, chapter 1, article 2, Arizona Revised Statutes,
3 is amended by adding section 39-126, to read:

4 39-126. Federal risk assessments of infrastructure;
5 confidentiality

6 NOTHING IN THIS CHAPTER REQUIRES THE DISCLOSURE OF A RISK ASSESSMENT
7 THAT IS PERFORMED BY OR ON BEHALF OF A FEDERAL AGENCY TO EVALUATE CRITICAL
8 ENERGY, WATER OR TELECOMMUNICATIONS INFRASTRUCTURE TO DETERMINE ITS
9 VULNERABILITY TO SABOTAGE OR ATTACK.

10 Sec. 2. Section 49-205, Arizona Revised Statutes, is amended to read:

11 49-205. Availability of information to the public

12 A. Any records, reports or information obtained from any person under
13 this chapter, including records, reports or information obtained or prepared
14 by the director or a department employee, shall be available to the public,
15 except that:

16 1. Income tax returns are confidential.

17 2. DRINKING WATER SYSTEM SECURITY VULNERABILITY ASSESSMENTS THAT ARE
18 SUBMITTED TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, PURSUANT TO
19 PUBLIC LAW 107-188, ARE EXEMPT FROM DISCLOSURE UNDER THIS CHAPTER AND TITLE
20 39, CHAPTER 1.

21 ~~2.~~ 3. Other information, or a particular part of the information,
22 shall be considered confidential on either:

23 (a) A showing, satisfactory to the director, by any person that the
24 information, or a particular part of the information, if made public, would
25 divulge the trade secrets of the person.

26 (b) A determination by the attorney general that disclosure of the
27 information or a particular part of the information would be detrimental to
28 an ongoing criminal investigation or to an ongoing or contemplated civil
29 enforcement action under this chapter in superior court.

30 B. Notwithstanding subsection A of this section, the following
31 information shall be available to the public:

32 1. The name and address of any permit applicant or permittee.

33 2. The chemical constituents, concentrations and amounts of any
34 pollutant discharge.

35 3. The existence or level of a concentration of a pollutant in
36 drinking water or in the environment.

37 C. Notwithstanding subsection A of this section, and in addition to
38 the information prescribed by subsection B of this section, the following
39 information that is obtained by the department and that relates to discharges
40 authorized by a permit issued under the program adopted pursuant to section
41 49-203, subsection A, paragraph 2 shall be made available to the public by
42 the department:

43 1. Information required to be submitted in a permit application.

44 2. The frequency of the discharge.

45 3. The temperature and pH level of the discharge.

1 4. Other water quality characteristics that are required to be
2 reported under the permit.

3 D. Notwithstanding subsection A of this section, the director may
4 disclose any records, reports or information obtained from any person under
5 this chapter, including records, reports or information obtained by the
6 director or department employees, to:

7 1. Other state employees concerned with administering this chapter or
8 if the records, reports or information is relevant to any administrative or
9 judicial proceeding under this chapter.

10 2. Employees of the United States environmental protection agency if
11 such information is necessary or required to administer and implement or
12 comply with the clean water act, the safe drinking water act, CERCLA or
13 provisions and regulations relating to those acts.

APPROVED BY THE GOVERNOR APRIL 28, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 28, 2003.

Passed the House April 7, 2003,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

Jake Flake
Speaker of the House

Spelman L. Moore
Chief Clerk of the House

Passed the Senate March 4, 2003,

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

Ken Bennett
President of the Senate

Norma Chastain
~~Ass.~~ Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

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**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 22, 20 03

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

Klu Blumett
President of the Senate
Channing Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

22 day of April, 20 03

at 3:27 o'clock P M.

Jandra Chamurey
Secretary to the Governor

Approved this 28 day of

April, 20 03,

at 3³⁰ o'clock P M.

Jt. April
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 28 day of April, 20 03,

at 4:51 o'clock P M.

Janice L. Brewer
Secretary of State

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